

## **Chapter 42**

### **FLOODS**

#### **Article I. Flood Damage Prevention**

##### **Division 1. Design Criteria**

- Sec. 42-1. Title, duties of officials.
- Sec. 42-2. Findings of fact.
- Sec. 42-3. Statement of purpose.
- Sec. 42-4. Methods of reducing flood losses.
- Sec. 42-5. Special floodplain definition.
- Sec. 42-6. Lands to which provisions apply.
- Sec. 42-7. Basis for establishing the areas of special flood hazards.
- Sec. 42-8. Compliance.
- Sec. 42-9. Abrogation and greater restrictions.
- Sec. 42-10. Interpretation.
- Sec. 42-11. Warning and disclaimer of liability.
- Secs. 42-12 - 42-20. Reserved.

##### **Division 2. Administration and Enforcement**

- Sec. 42-21. Designation of a city floodplain administrator.
- Sec. 42-22. Duties and responsibilities of floodplain administrator.
- Sec. 42-23. Enforcement.
- Secs. 42-24 - 42-30. Reserved.

##### **Division 3. Floodplain Development Permits**

- Sec. 42-31. Allowable development within the regulatory floodplain.
- Sec. 42-32. Prohibited development within the regulatory floodplain.
- Sec. 42-33. Requirement.
- Sec. 42-34. Application.
- Sec. 42-35. Permit evaluation.
- Sec. 42-36. Performance bond.
- Sec. 42-37. Variance.
- Sec. 42-38. Continuing obligations.
- Secs. 42-39 - 40. Reserved.

#### Division 4. Standards for Flood Hazard

Sec. 42-41. General standards.

Sec. 42-42. Specific standards.

Sec. 42-43. Areas of shallow flooding (AO zones).

Sec. 42-44. Subdivision proposals.

Historical Note.

## **ARTICLE I. FLOOD DAMAGE PREVENTION**

### **DIVISION 1. DESIGN CRITERIA**

#### **Sec. 42-1. Title, duties of officials.**

The provisions of this article shall be known as and may be cited as the city's floodplain ordinance, and all officials of the city having duties under these regulations are ordered and directed to perform such duties as required of them under these regulations. (Ord. No. 298, Ex. A (42-31), 1-26-2006)

#### **Sec. 42-2. Findings of fact.**

- (a) The areas of special flood hazard in Helotes are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

(Ord. No. 298, Ex. A(42-32), 1-26-2006)

#### **Sec. 42-3. Statement of purpose.**

The purpose of this article is to promote land use controls necessary to qualify the city for flood insurance under requirements of the National Flood Insurance Act of 1968 with provisions designed:

- (1) To protect human life and property exposed to the hazards of flooding;
- (2) To avoid increasing flood levels or flood hazards or creating new flood hazards areas;
- (3) To minimize public and private property losses due to flooding;
- (4) To preserve the natural floodplains where at all possible;
- (5) To ensure that potential property owners are notified if property is in a special flood hazard area;
- (6) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (7) To minimize prolonged business interruptions;
- (8) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard [areas];
- (9) To minimize expenditure of future public money for costly flood control projects; areas; and
- (10) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas.

(Ord. No. 298, Ex. A (42-33), 1-26-2006)

#### **Sec. 42-4. Methods of reducing flood losses.**

In order to accomplish its purposes, this article uses the following methods:

- (1) Restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or cause increases in flood heights or velocities;
- (2) Requires that uses vulnerable to floods, including public facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controls the alteration of natural floodplains, their protective barriers and stream channels;
- (4) Prevents the construction of barriers that will divert floodwaters and subject other lands to greater flood hazards;
- (5) Controls development that would cause greater erosion or potential flood damage such as grading, dredging, excavation, and filling;
- (6) Imposes a regulatory 100-year floodplain that requires using the ultimate development of the watershed to determine the 100-year water surface elevations. New developments must be constructed above this elevation.

(Ord. No. 298, Ex. A (42-34), 1-26-2006)

#### **Sec. 42-5. Special floodplain definition.**

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application. The following definitions apply only to this article:

*100-year floodplain* is the land in the floodplain with a community subject to a one percent or greater chance of flooding in any given year and the area is designated as a Federal Emergency Management Agency (FEMA) zone A, AE, AH, AO, on the flood insurance rate maps.

*Area of flood inundation* refers to sites that are subject to flooding as a result of water ponding in the controlled storage areas of dams, detention and retention ponds.

*Area of shallow flooding* means a designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area is also known as the 100-year floodplain. The area is designated as a Federal Emergency Management Agency zone A, AE, AH, AO on the flood insurance rate maps.

*Baseflood* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*CLOMR* means a conditional letter of map revision. A CLOMR will be submitted for FEMA approval for all proposed physical changes to the floodplain that will result in a change to the floodplain boundary.

*Development* means any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or, drilling operations or storage of equipment or materials.

*Elevated building* means a non basement building (i) built, in the case of a building in zones AE, A, A99, AO, AH, X, and D, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones AE, A, A99, AO, AH, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

*Existing construction* means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before the date. "Existing construction" may also be referred to as existing structures.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

*Flood rate insurance map (FIRAI)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study (FIS)* is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation or the base flood, as well as the flood boundary map.

*Floodplain* means any land area susceptible to being inundated by water from any source (see definition of flooding). The 100-year floodplain is also known as the area of special flood hazard.

*Flood-prone area* means any land area susceptible to being inundated by water from any source (see definition of flooding).

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* mean zoning ordinances, subdivision regulations, bonding codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications or police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose or flood damage prevention and reduction.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent or the areas within a community subject to a "special flood hazard" and the extent or the depths or associated flooding. Such a system typically includes hurricane tidal barriers, darns, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway* means the channel or a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood. The floodway is the 100-year floodplain in the City of Helotes.

*Habitable structure* means a structure that has facilities to accommodate people for an overnight stay. These include, but are not limited to, residential homes, apartments, condominiums, hotels, motels, and manufactured homes. Recreational vehicles are not included in this definition.

*Historic structure* means any structure that meets any of the designations below:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary or the interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the secretary of the interior; or
  - b. Directly by the secretary of the interior in states without approved programs.

*Ineffective flow areas.* Ineffective flow areas are used to describe portions of a cross section in which water will pond, but the velocity of that water, in the downstream direction, is close to or equal to zero. This water is included in the floodplain storage calculations and other wetted cross section parameters, but it is not included as part of the active flow area.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

*LOMR* means a letter of map revision. A LOMR will be submitted for FEMA approval for all changes to the floodplain boundary that are delineated on the current flood insurance rate maps.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the national flood insurance program regulations.

*Manufactured home* means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level* means, for purposes of the national flood insurance program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*Natural state* means the topography that exists at the time information is gathered for flood insurance rate maps or any subsequent approved revisions to those maps.

*New construction* means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*Recreational vehicle* means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Regulatory 100-year floodplain* is the land within the community subject to flooding during a 100-year frequency storm event assuming ultimate development has occurred throughout the watershed. The regulatory 100-year floodplain is limited to the reach of the stream which is designated as an area of special flood hazard on the flood insurance rate maps.

*Repetitive loss* means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

*Start of construction* means for all new construction and substantial improvements, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation for a foundation; or the placement of manufactured home on a foundation. Permanent construction includes land preparation, such as clearing, grading and filling; includes the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. The start of construction period is valid

for 180 days. Delay beyond this period would require resubmission of added data and the permit application.

*Structure* means a walled and roofed building, including a gas or liquid storage tank, which is principally aboveground, as well as a manufactured home.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes "substantial damage," regardless of the structures which have incurred "repetitive loss" or actual repair work performed. The term does not, however, include either:

- (1) Any structure's continued designation as a "historic structure." Project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structures continued designation as a "historical structure."

*Unflooded access* means that vehicular traffic has safe access to a property from a public street in times of flood (regulatory 100-year flood). A property will be considered to have unflooded access to an existing street if flow depths for access on the street adjacent to the property do not exceed one foot and fall within the safe range on figure 42-35. 1 "dangerous conditions on crossing during floods."

*Variance* is a grant of relief to a person from the requirement of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or ravine areas.

(Ord. No. 298, Ex. A (42-35), 1-26-2006)

#### **Sec. 42-6. Lands to which provisions apply.**

This article shall only apply to areas of special flood hazard within the jurisdiction of the city and where applicable in its area of extraterritorial jurisdiction. (Ord. No. 298, Ex. A (42-36), 1-26-2006)

**Sec. 42-7. Basis for establishing the areas of special flood hazards.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study, Bexar County, Texas and Incorporated Areas," updated periodically by the Federal Emergency Management Agency, together with the accompanying flood insurance rate maps and flood hazard boundary floodway maps and any revisions thereto, are hereby adopted by reference and declared to be a part of these regulations. The areas of special flood hazard identified by the Federal Emergency Management Agency on its flood insurance rate maps (FIRM), currently published for the City of Helotes, Bexar County and surrounding counties shall be used as the controlling study for the base flood within the City Limits of Helotes and its ETJ unless a more current study is required by the floodplain administrator. Typically, new studies will be required for development where existing studies were performed prior to the City of Helotes' adoption of Ordinance No. 55A, passed and approved on October 22, 1998, and/or where city records indicate the ultimate development of the watershed has not been considered. Similar studies done by FEMA shall also be used for control in the City of Helotes' area of extraterritorial jurisdiction, along with the floodplain information reports prepared by the United States Corps of Engineers, and the United States Geological Survey, Water Resources Division District Office, Austin, Texas, 1:24,000 U.S.G.S. quadrangle maps as prepared for the Federal Emergency Management Agency or the latest revisions thereof. These reports and maps are available for inspection by the public in the office of the city drainage engineer. Information and studies sanctioned and adopted by the floodplain administrator or by city council subsequent to publication of the flood insurance study and associated FIRM that update the base flood elevations, floodplain boundaries or flows shall also be used for control. (Ord. No. 298, Ex. A (42-37), 1-26-2006)

**Sec. 42-8. Compliance.**

- (a) No structure or land in an area of special flood hazard shall hereafter be located, altered, have its use changed, or otherwise be developed unless a floodplain development permit has been issued, pursuant to the terms of this subdivision. Proposed work must be started within 12 months of the date of approval of a floodplain development permit, otherwise the permit will become null and void. The floodplain development permit will be in effect for six months following the start of construction unless otherwise approved on the permit by the floodplain administrator.
- (b) No building permits, floodplain permits or plat approvals will be issued on properties with past floodplain violations unless the permits will remedy the violation.
- (c) Work permitted with a floodplain development permit shall be undertaken in a manner designed to minimize surface runoff, erosion and sedimentation, and to safeguard life, limb, property and the public welfare.

(Ord. No. 298, Ex. A (42-38), 1-26-2006)

**Sec. 42-9. Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 298, Ex. A (42-39), 1-26-2006)

#### **Sec. 42-10. Interpretation.**

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 298, Ex. A (42-40), 1-26-2006)

#### **Sec. 42-11. Warning and disclaimer of liability.**

The degree of flood protection required by this division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. In rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the City of Helotes or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made there under. (Ord. No. 298, Ex. A (42-41), 1-26-2006)

Secs. 42-12--42-20. Reserved.

### **DIVISION 2. ADMINISTRATION AND ENFORCEMENT**

#### **Sec. 42-21. Designation of a city floodplain administrator.**

The city engineer is hereby appointed to administer and implement the provisions of this division. The floodplain administrator, or his designee, must be certified as a floodplain manager by the Texas Floodplain Management Association. (Ord. No. 298, Ex. A (42-50), 1-26-2006)

#### **Sec. 42-22. Duties and responsibilities of floodplain administrator.**

Duties and responsibilities of the city floodplain administrator shall include, but not be limited to:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of these regulations;
- (2) Review, approve or deny all applications for development permits required by division 3 of this article;
- (3) Review permits for proposed development to assure that all necessary permits have been obtained from these federal, state or local governmental agencies from which prior approval is required;
- (4) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation;
- (5) Notify adjacent communities prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

- (6) Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished, where appropriate easements are provided;
- (7) When base flood elevation data for various flood prone areas has not been provided in accordance with section 42-8 of this article, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this article.
- (8) No new construction, substantial improvements, or other development (including cut and/or fill) shall be permitted within zones A and AE on the community's flood insurance rate maps unless it is first demonstrated by engineering data submitted by the applicant's engineer in accordance with the various requirements and procedures as set forth in this article that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the regulatory 100-year floodplain at any point within the community.

(Ord. No. 298, Ex. A (42-51), 1-26-2006)

#### **Sec. 42-23. Enforcement.**

If any person violates any provisions of these regulations, the floodplain administrator shall notify the city attorney and direct him to take whatever action is necessary to remedy the violation, including but not limited to, filing suit to enjoin the violation and submitting a request to FEMA for denial of flood insurance.

##### **(a) Notice of violation.**

- (1) *Generally.* Whenever the floodplain administrator receives information of the existence of a floodplain violation, the floodplain administrator shall serve the owner of the property with a written notice informing the owner of such condition, directing that action be initiated to bring the property into compliance and advising the owner that he or she must respond in person to the floodplain administrator or authorized representative within 15 days of receipt of the notice.
- (2) *Service--Generally.* Such notice may be served by personal delivery to the owner if he can be located within the city limits, but if he cannot be so located or served after reasonable effort, notice may be served by certified letter addressed to such owner at his post office address, but if such address cannot be ascertained after reasonable effort, notice may be served by publication two times within ten consecutive days in a newspaper of general circulation published in the city. In the case of community property, service upon either the husband or the wife shall be deemed sufficient notice hereunder.
- (3) *Service--Corporation.* If the owner is a corporation, service may be made by delivery of same to any office or place of business of such corporation or any officer of the corporation if such office, place of business or officer can be located within the city limits; but if such office, place of business, or officer cannot be so located after reasonable effort, service may be made by certified letter addressed to its corporate headquarters post office address; but if such address cannot be ascertained after reasonable effort, the notice may be served by publication two times within ten consecutive days in a newspaper of general circulation published in the city.

- (4) *Service by publication.* Whether delivered personally, by mail, or by publication, the notice provided for above shall be addressed to the owner, but if the owner is not known, service may be had by publication addressed "To the owner of (legal description of the property involved)." The notice shall give the legal description of the property, state the condition which constitutes a violation hereof, and shall state that upon failure of the owner to take approved steps toward compliance within 15 days from date the notice is delivered or within 15 days from date of the second publication, if notice is to be served by publication, a criminal complaint may be filed in the municipal court of the city for violation of this article, stating the penalties for violation hereof as given below.
- (b) Remediation.
- (1) *Generally.* The city may also cause the work necessary to bring any property into compliance herewith to be done, if the owner has failed to respond as set forth in subsection (a) above within 15 days from the date notice has been received or published, and to charge the owner for the costs incurred by the city. A statement of the costs incurred by the city to abate such condition shall be mailed to the owner of such premises if the owner and mailing address are known and, if not known, may be published in a newspaper of general circulation in the city. The statement shall demand payment within 30 days from the date of receipt or publication.
  - (2) *Failure to pay.* If such statement has not been paid within such period, and if such work was further accomplished because the city's health inspector, or person designated by the Mayor, certified that such work was required to abate an unwholesome or unsanitary condition described in Chapter 342 of the Health and Safety Code, V.A.T.S., then the floodplain administrator may cause a statement of the expenses incurred to abate and correct such condition on the premises to be filed with the county clerk of the county in the deed records, and such statement shall be and the city shall have a privileged lien upon the lot, parcel, or tract of land upon which such expenses were incurred, second only to tax liens and liens for street improvement, together with ten percent interest per annum on the delinquent amount from the date such payment was due. For any such expenditures and interest as aforesaid, suit may be instituted and foreclosure had in the name of the city; and the statement so made as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work.
  - (3) *Large trees.* Although large trees are not covered hereby, and are not felt to be a nuisance or a hazard, it may be necessary at times to remove trees or parts thereof in order for the city crews or city contractors to affect entry of mowing or clearing equipment to property or portions of property not meeting standards established in this article. In such case, the removal of such trees or parts thereof as is found necessary shall be done and is hereby authorized and the cost of this work shall be included in the cost charged to the owner.
- (c) Options.
- (1) *Options available.* With the approval of the floodplain administrator the following options are available to an owner of property in violation of the requirements of this section.
    - a. The owner may cause all work, improvements, and grading performed in violation of this section to be restored to the natural state. Proof of compliance must be provided in the form of a certification signed by a registered professional engineer

or surveyor to the effect that the property in question has been restored as nearly as possible to its natural state.

- b. The owner may cease all or a portion of the work, improvements, and grading performed in violation of this article and seek approval of a floodplain development permit by the floodplain administrator. Data presented with the permit application must demonstrate the compliance of all improvements with this article.
- (2) *Time for compliance.* Each of the above options shall require a series of steps to be completed by the property owner at time intervals approved by the floodplain administrator. During the initial meeting set forth in subsection (b)(1) above, these options shall be discussed. Thereafter the owner shall have 15 days to decide which option to pursue and provide a schedule of steps with completion dates necessary to rectify the violation. Upon failure of the owner to comply with these requirements or to complete the steps according to the schedule approved by the floodplain administrator, the city may choose to pursue the remedies set forth in subsections (b) or (c).
- (3) *Time periods.* Each violation shall be considered on an individual basis. The time period for each step shall be approved by the floodplain administrator on the basis of hardship to the owner and danger to residents and citizens. The maximum time period allowed under any circumstances to perform all work necessary to bring a violation into compliance with the requirements of this article is six months.
- (d) Reporting violations, other remedies.
  - (1) *Violations.* Violations of this article shall be reported by the city floodplain administrator as set out herein.
  - (2) *Penalties.* Any person whose actions or omissions criminally negligently, recklessly, knowing, or intentionally violates any provision of this article shall be charged with a misdemeanor offense and upon conviction shall be punished by a penalty of not less than \$25.00 and not more than \$2,000.00. Each day of continuation of each such violation shall be a separate offense and punishable as such.
  - (3) *Other remedies.* In addition to the other remedies provided by law, the City Council may institute appropriate action to abate violations of these regulations as a public nuisance.

(Ord. No. 298, Ex. A (42-52), 1-26-2006)

Secs. 42-24 - 42-30. Reserved.

### DIVISION 3. FLOODPLAIN DEVELOPMENT PERMITS

#### **Sec. 42-31. Allowable development within the regulatory floodplain.**

- (a) No increase in the regulatory 100-year floodplain elevation will be permitted within the watershed as a result of development.
- (b) An increase in water surface elevation is permitted solely on the developer's property if the regulatory 100-year floodplain is contained in a dedicated drainage easement or right-of-way.
- (c) Account for increase in discharge due to loss of storage and increase in impervious cover in all reclamation analysis.

- (d) Demonstrate that the development will not increase the regulatory 100-year floodplain velocities above six fps. No increase in velocity will be permitted if predevelopment velocities in the floodplain exceed six fps.
- (e) The following development may be allowed in the regulatory 100-year floodplain and will require a floodplain development permit:
  - (1) All weather (passes the ultimate development 100-year flood) street crossings;
  - (2) Utility construction;
  - (3) Parks;
  - (4) Greenways;
  - (5) Recreational facilities and golf courses;
  - (6) Hike and bike trails;
  - (7) Drainage improvements that mitigate existing or anticipated flood hazards;
  - (8) Capital improvement projects that are deemed advantages to public health and safety;
  - (9) Maintenance activities necessary to maintain the stormwater conveyance of the floodplain;
  - (10) Drainage infrastructure repair;
  - (11) Floodplain restoration;
  - (12) Wetland reestablishment or mitigation;
  - (13) Habitat re-establishment;
  - (14) Installation of flood monitoring controls: rain gages, early flood warning systems, high water detection systems, etc.;
  - (15) Installations of emergency devices necessary to warn, alarm and protect citizens at flood hazards;
  - (16) Improvements to a structure that does not fall under the definition of substantial improvement;
  - (17) Elevating and/or floodproofing structures in the floodplain;
  - (18) 100-year floodplain reclamation where the watershed drainage area is less than 320 acres;
  - (19) Parking lot construction where water depths do not exceed six inches;
  - (20) 100-year floodplain reclamation in areas of ineffective flow;
  - (21) 100-year floodplain reclamation in overbank areas subject to extensive shallow (zero to three feet) flooding where flood velocities in the overbank area are less than three fps;
  - (22) Historic structure reconstruction, rehabilitation or restoration with appropriate variance;
  - (23) Reclamation between the 100-year floodplain and the regulatory 100-year floodplain. Elevate development one foot above the water surface elevations established for the regulatory 100-year floodplain;
  - (24) Projects that are in the best interest of the public;
  - (25) *Nonresidential construction.* Some or all of the following restrictions will be placed on nonresidential construction in the floodplain:

- a. Demonstrate that no alternate site is available for development within the property that is out of the floodplain;
  - b. Meet all the requirements of section 42-42(b), Nonresidential construction;
  - c. Ensure the lowest finished floor elevation and/or the height to which the building must be flood-proofed is no lower than the higher elevation of the energy grade line or the water surface elevation plus one foot of the regulatory 100-year floodplain;
  - d. No increase in water surface elevations over existing conditions is permitted anywhere within the watershed as a result of the construction. An increase in water surface elevation is permitted on the developer's property if the floodplain is contained in a dedicated drainage easement or right-of-way;
  - e. Unflooded vehicular access must be available to the development from a public street;
  - f. Demonstrate that the development will not increase the 100-year floodplain predevelopment velocities above six fps. No increase in velocity will be permitted if predevelopment velocities exceed six fps.;
  - g. Demonstrate that the development will not be subject to damage from hydrostatic or hydrodynamic forces, debris impact, soaking, sediments and contaminants;
  - h. Provide, operate, and maintain an early flood warning system for the development. Warning systems will be subject to periodic inspection by the City of Helotes to ensure they are maintained and operated as intended;
  - i. Complete the letter of map revision process for the development;
  - j. The owner shall indemnify the City of Helotes against damages resulting from flooding on the owner's site;
  - k. Other site-specific restrictions and/or requirements deemed appropriate by the floodplain administrator.
- (26) Construction in areas of flood inundation must meet the requirements of section 42-41 General standards. Structures associated with park and recreation development (fences, open construction type bleachers, concession stands, etc.) may be permitted in areas of flood inundation. Keep this construction out of the flood conveyance section of the floodplain. Compensate for loss of storage. Secure structures to minimize damage from hydrostatic or hydrodynamic forces (including buoyancy) and debris impact.

(Ord. No. 298, Ex. A(42-61), 1-26-2006)

**Sec. 42-32. Prohibited development within the regulatory floodplain.**

The following development will not be allowed in the regulatory floodplain:

- (1) Development without first obtaining a floodplain development permit;
- (2) Habitable structures;
- (3) Street or access construction that does not provide all weather access;
- (4) 100-year floodplain reclamation where the watershed drainage area exceeds 100 acres except as provided in this section 42-31 of this division 3.

(Ord. No. 298, Ex. A (42-62), 1-26-2006; Ord. No. 402, §2, 5-14-2009)

### **Sec. 42-33. Requirement.**

No development or other encroachment is allowed in a floodplain that will result in any increase in the base flood elevations within the floodplain during discharge of water of a base flood unless the floodplain is contained within an easement. Where construction of structures in a floodplain is allowed by the floodplain administrator, a floodplain development permit shall be required to ensure conformance with the provisions of this article. In addition, all land development in any area of special flood hazard shall be required to have a floodplain development permit. (Ord. No. 298, Ex. A (42-63), 1-26-2006)

### **Sec. 42-34. Application.**

- (a) Application for a floodplain development permit shall be presented to the floodplain administrator, on a form furnished by him, prior to any development. Application for a floodplain development permit for a proposed subdivision may be presented prior to or in conjunction with other data required for the platting process. For platting purposes, a floodplain development permit shall serve only as an approval of the floodplain ordinance requirements. No cut and/or fill, building, or other site alterations shall proceed until the permit is approved. The permit application shall be accompanied by requested supporting data prepared by a licenced professional civil engineer in the State of Texas. Data required by the City, as requested by the City Engineer, must accompany all floodplain development permit applications, except building renovation, reconstruction and restoration.
- (b) In addition to the above, the following information is required:
  - (1) An elevation certificate for buildings on property located in or abutting the floodplain;
  - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  - (3) Certification from a registered professional civil engineer or registered architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 42-42;
  - (4) An existing structure may be improved (remodeled) without conforming to requirements of this division when the improvement does not constitute a substantial improvement. In the event that the work is considered a substantial improvement then the structure must be brought into compliance with this division;
  - (5) Certification of the fair market value of an existing structure prepared by a certified real estate appraiser and a cost estimate of proposed improvements to the structure prepared by a registered architect or registered professional engineer shall be submitted to verify whether or not the proposed improvements exceed 50 percent of the fair market value of the existing structure. In the case of a structure that has suffered damage, the date will verify the fair market value of the structure before the damage occurred.

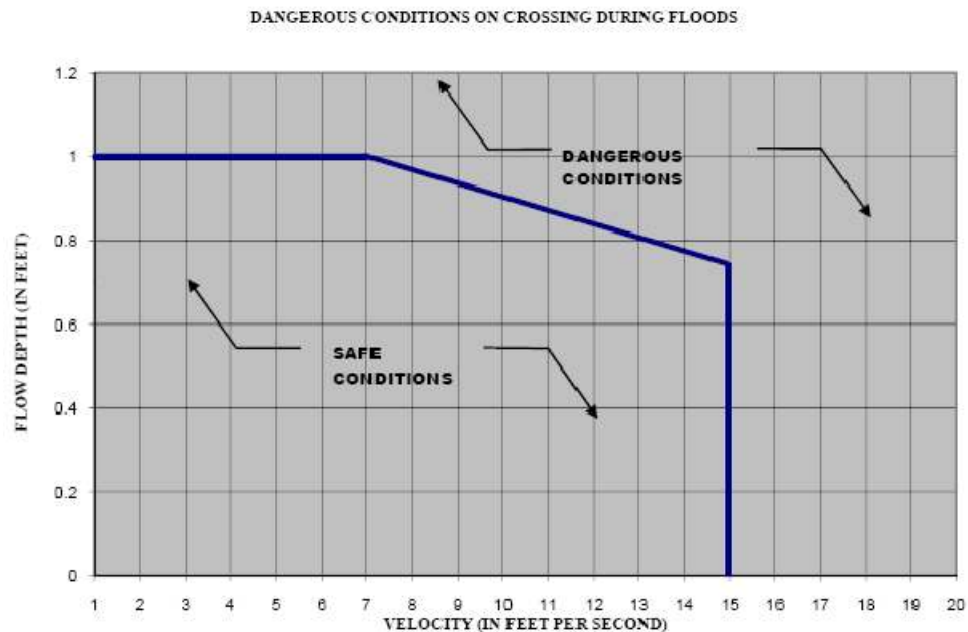
(Ord. No. 298, Ex. A (42-64), 1-26-2006)

**Sec. 42-35. Permit evaluation.**

- (a) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors: The danger to life and property due to flooding or erosion damage; velocities in excess of six feet per second shall be considered erosive and the product of the velocity times the depth of flow in excess of that shown as within the "safe range" by figure 42-35.1 shall be considered dangerous to life.
  - (1) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (2) The danger that materials may be swept onto other lands to the injury of others;
  - (3) The impact the development may have on the overall function of the stormwater facilities and the impact on properties in its own and connecting watersheds. This may include but not be limited to changes in discharges as a result of changes in impervious cover, velocity, storage, creek roughness, etc.;
  - (4) The safety of access to the property in times of flood for ordinary and emergency vehicles; flow depths for access shall not be greater than one foot for proposed subdivisions or buildings;
  - (5) The cost of providing governmental services during and after flooding conditions;
  - (6) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the sites shall be analyzed;
  - (7) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (8) The relationship for the proposed use to the comprehensive plan for that area, with respect to the dedication of additional drainage easement for future bond projects, in accordance with these division regulations.
- (b) If a floodplain development permit application is disapproved, the floodplain administrator shall notify the applicant in writing of the section and specific requirement of this article with which the proposed development does not comply and the nature of such noncompliance.
- (c) When there is a change in the alignment, width, or elevation of a floodplain identified on a flood insurance rate map, then a conditional letter of map revision (CLOMR), or letter of map revision (LOMR) if no improvements are proposed in the floodplain, must be submitted to the Federal Emergency Management Agency prior to approval of the plat. If improvements are proposed in the floodplain the (CLOMR) must be approved by FEMA and the LOMR submitted to FEMA prior to acceptance of the construction by the city. A hold will be placed on all building permits for lots in a floodplain until FEMA has approved the LOMR or a performance bond is issued per section 42-36(b).

(Ord. No. 298, Ex. A (42-65), 1-26-2006)

Figure 42.35.1



**Sec. 42-36. Performance bond.**

- (a) All proposed drainage improvements to be made within the limits of the area of special flood hazard as set forth in section 42-8, shall require a performance bond which shall be filed with the city clerk, after the approval of the floodplain development permit. An exception to this requirement is made for improvements being made in conjunction with the platting of a subdivision under the requirements of this article.
- (b) A performance bond may be issued for the letter of map revision submittal in order to release the hold on the lot building permits. This bond shall be in the amount of the current fees required by FEMA for LOMR review plus \$ 1,000.00.
- (c) A performance bond will be executed by a surety company, licensed to do business in the State of Texas, in an amount equal to the cost estimate, such cost estimate to include an inflation factor based upon a locally recognized construction cost index, as approved by the floodplain administrator, of all uncompleted and unaccepted improvements required by these regulations, with the condition that the developer shall complete such improvements and have them approved by the floodplain administrator, within three years from the date of approval of the floodplain development permit.
- (d) The performance bond shall be substantially in the same form as the bond instrument set out in appendix C of Chapter 78, Subdivision. The floodplain administrator is authorized to sign the bond instrument on behalf of the City of Helotes, and the city attorney shall approve the same as to form.

(Ord. No. 298, Ex. A (42-66), 1-26-2006)

**Sec. 42-37. Variance procedures.**

- (a) The City Council shall consider requests for variances from the requirements of these regulations. Variance requests shall be processed as follows:
  - (1) For cut and/or fill, building, building permits, or establishment of a mobile home site, the applicant shall present the disapproved permit to the City Administrator together with information as to why the variance should be granted. The City Council will then hear the request as soon as practical.
  - (2) For subdivision plats, the applicant may submit the disapproved permit and the request for variance prior to plat submission or in conjunction with other data required for the platting process. This request shall be handled similar to (a)(1) above. If the applicant chooses to submit the disapproved permit as part of the plat submission process, then the variance request shall be handled similar to other variance requests except that criteria for the floodplain variance shall be governed by this section.
  - (3) The City Administrator shall notify the floodplain administrator of the applicant's request for variance and shall furnish him with copy of the request together with the applicant's statement of facts that he feels warrant the granting of the variance. The floodplain administrator shall reply in writing as to his evaluation of the applicant's request and make a recommendation as to approval or denial of the variance request.
  - (4) The City Administrator shall notify the floodplain administrator of the decision of the City Council. If the City Council approves the request, the permit will be issued with the variance and with any special conditions that are attached to the variance.
- (b) Any person or persons aggrieved by the decision of the City Council may appeal such decision in the courts of competent jurisdiction.
- (c) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (d) Variances, without regard to the procedures set forth in the remainder of this section, may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Sites and Places or the Texas State Historic Survey List or the City of Helotes Landmark List.
- (e) Upon consideration of the factors noted above and the intent of this article, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives stated in section 42-4.
- (f) Variances shall not be issued within any floodplain if any increase in flood levels during the base flood discharge would result, unless the increase in flood levels are contained within a dedicated drainage easement on the requestor's property.
- (g) Variances may be granted by the City Council only upon a finding that:
  - (1) The variance is the minimum necessary, considering the flood hazard, to afford relief;
  - (2) There is good and sufficient cause;
  - (3) Failure to grant the variance will result in exceptional hardship to the applicant; and
  - (4) The variance will not result in increased flood heights, cause an additional threat to public safety, result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (h) Any applicant to whom a variance or variances are granted shall be given written notice of the specific parts of this article for which variances were granted and that the cost of flood insurance will be commensurate with the increased risk resulting from the granting of the variance.

(Ord. No. 298, Ex. A (42-67), 1-26-2006)

**Sec. 42-38. Continuing obligations.**

Drawings and other material or criteria submitted to the floodplain administrator in applying for such permit shall, upon approval and issuance of such a permit, be a part of a condition and term of such permit. In addition, all standards and requirements of this article and all factors listed in this article as relevant in approving or denying such permit shall be a part of such a permit and a condition and term of such a permit. In addition to named materials required to be submitted in applying for such a permit, the floodplain administrator may require additional submission in order to verify whether such a permit should be issued. The conditions and terms shall constitute a continuing obligation upon all future occupants or users of the land to the extent same are applicable after development has been completed. (Ord. No. 298, Ex. A(42-68), 1-26-2006)

Secs. 42-39 - 42-40. Reserved.

**DIVISION 4. STANDARDS FOR FLOOD HAZARD**

**Sec. 42-41. General standards.**

In all areas of special flood hazards the following provisions are required:

- (1) All new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy (see U.S. Corps of Engineers Flood Proofing Regulations, Chapter 6, Section 610).
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage (see the United States Corps of Engineers Flood Proofing Regulations, Chapter 5 and Chapter 6).
- (3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage (see the United States Corps of Engineers Flood Proofing Regulations, Chapter 12 and Chapter 13).
- (4) All new and replacement toilet, sinks, showers, water heaters, pressure tanks, furnaces, and other permanent plumbing installations shall be installed at or above the base flood elevation or floodproofed.
- (5) All new and replacement water supply systems shall be designed to San Antonio Water System standards to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood water.
- (6) New and replacement sanitary sewage systems shall be designed to city sanitary sewer standards to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwater.

- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Waste disposal systems shall be located above the base floodwater surface elevation.
- (8) Filling or the disposal of any materials which will diminish the water flow capacity of any waterway or floodplain defined by this article must be compensated for with remedial action by additional excavation or otherwise so as not to diminish water capacity.
- (9) Floodplain engineering procedures and requirements within FEMA or United States Corps of Engineers official flood prone areas shall conform to the engineering criteria of this section.

(Ord. No. 298, Ex. A (42-71), 1-26-2006)

#### **Sec. 42-42. Specific standards.**

In all areas of special flood hazards where base flood elevation data has been provided in accordance with these regulations, the following provisions are required:

- (a) *Residential construction.* Construction of habitable structures within the regulatory floodplain (base flood) is not allowed unless the floodplain is revised with a floodplain permit. Residential construction must be elevated one foot above the regulatory floodplain.
- (b) *Nonresidential construction.*
  - (1) New construction or substantial improvements of any commercial, industrial or other nonresidential structure shall have either (a) the lowest floor, including basement, elevated to one foot above the level of base flood elevation, or (b) have the lowest floor, including basement, with attendant utility and sanitary facilities, be floodproofed so that below the base flood level plus one foot and above the lowest floor, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
  - (2) New construction and substantial improvements, with fully enclosed areas below the lowest floor (including basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.
  - (3) Electrical heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - (4) A registered professional engineer or registered architect shall submit a certification to the floodplain administrator that the standards of this subsection are satisfied. The certification shall include a statement to the effect that the engineer has developed and/or reviewed structural design, specifications, and plans for the construction and finds them to be in accordance with this subsection. The floodplain administrator shall utilize the flood proofing regulations manual prepared by the United States Army Corps of Engineers as a guide in determining construction requirements.

- (c) Manufactured homes.
- (1) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to the following (refer to FEMA Manual #85, Manufactured Home Installation in Flood Hazard Areas):
    - a. Over the top ties at each of the four corners of the manufactured home with two additional ties per side at intermediate locations. Manufactured homes more than 50 feet long require one additional tie per side;
    - b. Frame ties at each corner of the home with five additional ties per side at intermediate points. Manufactured homes more than 50 feet long require four additional ties per side;
    - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds;
    - d. Any additions to the manufactured home shall be similarly anchored.
  - (2) All manufactured homes to be placed or substantially improved within zones AI-30, AH, and AE shall conform to the following criteria:
    - a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one foot above the base flood level. A registered professional civil engineer, registered architect, or registered public surveyor shall submit a certification to the floodplain administrator that the standard of this paragraph complies with subsection (a);
    - b. Adequate surface drainage and access for a hauler are provided;
    - c. In the instance of elevation of pilings: (i) lots are large enough to permit steps, (ii) piling foundations are placed in stable soil no more than ten feet apart, and (iii) reinforcement is provided for pilings more than six feet above the ground level.
- (d) *Floodways*. Located within the areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:
- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
  - (2) If subsection (d)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.
  - (3) The placement of any manufactured home is prohibited except in an existing manufactured home park or subdivision.

(Ord. No. 298, Ex. A (42-72), 1-26-2006)

#### **Sec. 42-43. Areas of shallow flooding (AO zones).**

Located within the areas of special flood hazard are areas designated as areas of shallow flooding. These areas have special flood hazards associated with base flood depths one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, in these areas the following provisions shall apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor elevated one foot above the highest adjacent grade or one foot above the depth number specified on the community's FIRM (at least two feet if no depth number is specified), whichever is higher controls.
- (2) All new construction and substantial improvements of nonresidential structures shall:
  - a. Have the lowest floor elevated above the highest adjacent grade as high as the depth number specified on the community's FIRM, (at least two feet if no depth number is specified).
  - b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) A registered professional civil engineer, registered public surveyor, or registered architect shall submit a certification to the floodplain administrator that the standards of this section are satisfied.
- (4) Require within zones AH and AO, adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(Ord. No. 298, Ex. A (42-73), 1-26-2006)

#### **Sec. 42-44. Subdivision proposals.**

- (a) All subdivision proposals shall be consistent with sections 42-3, 42-4, and 42-5 of this article.
- (b) All proposals for the development of subdivisions shall meet the development permit requirements of this article. No floodproofing of an existing or proposed building in a new subdivision will be allowed as a substitute for providing the proper finished ground elevation, at the slab, above the ultimate development 100-year or 25-year plus freeboard flood elevation, whichever is higher. Buildings in a proposed subdivision shall be on land that is above the controlling flood elevation.
- (c) Flood elevation data shall be provided for subdivision proposals and other proposed development, if not otherwise provided, and shall conform to the design requirements of City of Helotes Code of Ordinances, Chapter 34, Article IV, including any amendments or revisions thereto.
- (d) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and in accordance with this article.
- (e) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed so that they will not affect the existing water surface elevations of the base flood, the ultimate development 100-year or 25-year ultimate development flood (whichever is greater) in the area of special flood hazard.
- (f) All proposed subdivisions must be contiguous to high ground that is not subject to flooding (the base flood, ultimate development 100-year or the 25-year ultimate development flood, whichever is higher) that is in excess of one foot flow depth, i.e., no "island" will be considered for platting; unless adequate connecting structures capable of passing the base flood, ultimate development 100-year or 25-year ultimate development flood (whichever is higher) are provided

to high ground (not subject to the controlling flood of the same flood plain), and an additional one foot of freeboard is provided to all minimum floor slab elevations.

- (g) All proposed subdivisions traversed by an area of special flood hazard where the "buildable" portion of the subdivision is severed by the floodplain shall be provided with adequate access. Adequate access shall be a structure that will pass the control flood (ultimate development 100-year) without overtopping the structure. Upstream property must not be affected by backwater, and velocities in the vicinity of the structure must be controlled to prevent scour, erosion or structural damage. Proposed subdivisions that involve the platting of streets shall have at least one access to an unflooded portion of existing dedicated street or roadway.
- (h) Proposed subdivisions that do not involve the platting of streets shall have access to an existing dedicated street that is not subject to flood depths of over one foot.
- (i) Existing channels shall not be increased or decreased from their natural state until engineering data meeting the requirements of Chapter 34, Article IV, of the City of Helotes Code of Ordinances, including any amendments or revisions thereto, has been approved by the city engineer. Floodplain engineering and procedures requirements for subdivision within FEMA or United States Corps of Engineers official flood prone areas shall conform to the engineering criteria as set out in Chapter 34, Article IV, of the City of Helotes Code of Ordinances including any amendments or revisions thereto.

(Ord. No. 298, Ex. A (42-74), 1-26-2006)

Historical Note: Ord. No. 298, §1, adopted Jan. 26, 2006, deleted Art. II, former §§42-31--42-36 in its entirety and enacted similar provisions to read as set out herein. Former §§42-31--42-36 derived from Ord. No. 55, adopted Sept. 8, 1988; and Ord. No. 55A, adopted Oct. 22, 1998.

Chapters 43 - 45. Reserved.

